

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-81374-DIMITROULEAS/MCCABE

TERRY L. RICHMOND
and ALEXANDER SCHULTZ,

Plaintiffs,

v.

KILOLOL KIJAKAZI,
ACTING COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

**ORDER ADOPTING AND APPROVING REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE**

THIS CAUSE is before the Court upon Defendant's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment (the "Motion") [DE 8], and the December 9, 2022 Magistrate Judge's Report and Recommendation (the "Report") [DE 19]. The Court notes that no objections to the Report [DE 19] have been filed, and the time for filing such objections has passed. As no timely objections were filed, the Magistrate Judge's factual findings in the Report [DE 19] are hereby adopted and deemed incorporated into this opinion. *LoConte v. Dugger*, 847 F.2d 745, 749-50 (11th Cir. 1988), *cert. denied*, 488 U.S. 958 (1988); *RTC v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993).


Although no timely objections were filed, the Court has conducted a *de novo* review of the Report [DE 19] and record and is otherwise fully advised in the premises. The Court agrees with the Magistrate Judge's analysis and conclusions.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report [DE 19] is hereby **ADOPTED** and **APPROVED**; and

2. Defendant's Motion to Dismiss or, in the alternative, Motion for Summary Judgment (the "Motion") [DE 8] is hereby **GRANTED WITHOUT PREJUDICE**, with leave to file an Amended Complaint.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 3rd day of January, 2023.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:
Counsel of record

Magistrate Judge McCabe